



# Missouri Emergency Response Commission

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The roles and responsibilities of LEPCs, whether an individual county or as a member of an LEPD, are primarily the same and must be accomplished according to State and Federal Statutes. The Missouri Emergency Response Commission (MERC), the primary agency responsible for enforcement and compliance with both State and Federal EPCRA laws, has developed a listing of roles and responsibilities for Missouri LEPCs that provide a conduit for compliance and a way to ensure community knowledge and safety are accomplished and maintained.

## **Responsibilities of LEPCs in the State of Missouri:**

### **General Role of LEPCs:**

- 1) The role of LEPCs is to form a partnership with local governments and industries as a resource for enhancing hazardous materials preparedness. LEPCs are responsible for hazmat response planning and ensuring the plan is integrated within the local government's hazardous materials response plan for their jurisdiction. This includes:
  - a) ensuring the local hazard analysis adequately addresses hazmat incidents;
  - b) incorporating planning for hazmat incidents into the local emergency plan and annexes;
  - c) assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors;
  - d) Training responders; and exercising the plan.
- 2) It's necessary for industry to be a part of that planning process to ensure facility plans are compatible with local emergency plans. Every regulated facility is responsible for:
  - a) Identifying a facility emergency coordinator;
  - b) Reporting hazmat inventories annually to the LEPC, MERC, and local fire department;
  - c) Providing safety data sheets (SDS) or a list of hazardous chemicals;
  - d) Allowing local fire departments to conduct on-site inspection of hazmat facilities, and;
  - e) Providing annual report of toxic chemicals released to EPA and the State.

- 3) LEPCs are crucial to local hazardous materials planning and community right-to-know programs. The membership comes from the local area and should be familiar with factors that affect public safety, the environment, and the economy of the community. That expertise is essential as the LEPC advises the writers of the local emergency management plan, so that the plan is tailored to the needs of the local plan or planning district.
- 4) In addition to its formal duties, the LEPC can serve as a focal point in the community for information and discussion about hazardous substance emergency planning, and health and environmental risks. Citizens may expect the LEPC to reply to questions about chemical hazards and risk management actions.
- 5) Members of the LEPC represent the various organizations, agencies, departments, facilities, and/or other groups within the county or district. Each member must realize that he or she represents their organization on the LEPC and that they are responsible for coordinating information and activities from the LEPC to their organization and for providing accurate feedback from their organization back to the LEPC.
- 6) The LEPC has many responsibilities, mandates, and deadlines. The membership should organize to handle these various tasks by utilizing individual efforts, sub-committees, or contracted assistance.

### **Primary Legal Responsibilities:**

The Emergency Planning and Community Right-to-Know Act (EPCRA) establishes the LEPC as a forum at the local level for discussions and a focus for action in matters pertaining to hazardous materials planning. LEPCs also help to provide local governments and the public with information about possible chemical hazards in their communities.

The major legal responsibilities of LEPCs are listed below. The citations are from EPCRA, Public Law 99-499.

### **Each Missouri LEPC:**

- 1) Shall review local emergency management plans once a year, or more frequently as circumstances change in the community or as any facility may require (Section 303 (a)).
- 2) Shall make available each SDS, chemical list described in Section 311(a)(2) or Tier II report, inventory form, and follow-up emergency notice to the general public, consistent with Section 322, during normal working hours at a location designated by the LEPC (Section 324(a)).
- 3) Shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. Such procedures shall include the designation of an official to serve as coordinator for information (Section 301(c)).

- 4) Shall receive from each subject facility the name of a facility representative who will participate in the emergency planning process as a facility emergency coordinator (Section 303(d)).
- 5) Shall be informed by the community emergency coordinator of hazardous chemical releases reported by owners or operators of covered facilities (Section 304(b )(1)(a)).
- 6) Shall be given follow-up emergency information as soon as practical after a release, which requires the owner/operator to submit a notice (Section 304(c)).
- 7) Shall receive from the owner or operator of any facility a MSDS for each such chemical (upon request of the LEPC or fire department), or a list of such chemicals as described (Section 311(a)).
- 8) Shall, upon request by any person, make available an MSDS to the person in accordance with Section 324 (Section311 (a)).
- 9) Shall receive from the owner or operator of each facility an emergency and hazardous chemical inventory form (Section 312(a)).
- 10) Shall respond to a request for Tier II information no later than 45 days after the date of receipt of the request (Section 312(e)).
- 11) May commence a civil action against an owner or operator of a facility for failure to provide information under Section 303(d) or for failure to submit Tier II information under Section 312(e)(1) (Section 32 6(a)(2)(B)). Or, may turn the facility over to the MERC for further action.

#### **Golden Rules of Missouri LEPCs:**

- ❖ LEPCs will be part of a community-wide, all-hazards planning effort producing a community emergency operations plan that includes hazardous materials. This community EOP needs to incorporate the EPCRA planning elements. Depending upon the needs and assets of the community, the LEPC should be the focus of the hazardous materials planning effort or support it using the information acquisition resources available to LEPCs under EPCRA.
- ❖ LEPCs will actively promote or conduct community right-to-know efforts so that members of the public are:
  - 1) Better aware of hazards in the community and
  - 2) Better understand their own preparedness obligations and opportunities.

- ❖ LEPCs will use programs such as the hazardous materials emergency planning grant program to conduct programs that identify risks, especially from transportation, improve planning, and evaluate planning and training through exercises.
- ❖ LEPCs should evaluate other programs to address specific risks in their community such as school chemical cleanup and meth labs.

***Composition & Responsibilities According to the Emergency Planning and Community Right to Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act).***

1. Each Local Emergency Planning Committee (LEPC) shall (according to the Act) include, at a minimum, representatives from each of the following groups or organizations:
  - Elected State & Local Officials
  - Law Enforcement
  - Emergency Management
  - Fire Fighting
  - First Aid
  - Health
  - Local Environmental
  - Hospital
  - Transportation
  - Broadcast and Print Media
  - Community Groups
  - Owners and Operators of Covered Facilities
2. The LEPC shall:
  - Appoint a chairperson
  - Establish rules for the committee to operate by including provisions for:
    - Public notification of committee activities
    - Response to public comments
    - Distribution of the emergency plan
  - Establish procedures for receiving information
  - Establish procedures for processing requests from the public
  - Designate a person to serve as coordinator for information
3. The LEPC should have completed a comprehensive plan as of October 17, 1988 and shall:
  - Review their plan annually
  - Evaluate the need for resources to develop, implement and exercise the emergency plan
  - Make recommendations with respect to additional resources that may be required and the means for providing such additional resources
  - The LEPC shall submit a copy of the plan to the Missouri Emergency Response Commission (MERC) for review. Note: each plan shall include the following:
    - Identification of facilities and transportation routes of extremely hazardous substances
    - Identification of possible impacted facilities (hospitals, schools, manufacturers, etc.)

- Methods and procedures to be used by plant operators and local response officials to respond to chemical releases from the covered facilities
  - Designation of local emergency and facility coordinators
  - Notification and communication procedures
  - Methods for determining the occurrence of a release in the impacted area
  - Identification of emergency equipment and persons responsible for equipment
  - Evacuation plans
  - Training plans
  - Schedule and method for exercising the emergency plan
4. The LEPC receives emergency notifications of chemical releases under Section 11004 (previously Section 304) from facilities and transporters.
  5. The LEPC receives Section 11021 (previously Section 311) notices (chemical safety information) and revisions from companies that have materials for which OSHA requires Safety Data Sheets (SDS). The fire department also receives these notices (Tier II forms). If the LEPC receives a Tier II, it can request the SDS for any of the listed materials. Also, the LEPC shall provide the public a copy of any SDS on request. If the LEPC does not have the SDS, it should be requested from the facility and then provided to the requestor.
  6. The LEPC receives Emergency Hazardous Chemical Inventory Forms under Section 11022 (previously Section 312) of the Act from facilities. This information includes estimated amounts of chemical (by category) present at the facility during the preceding year, the average daily amount of chemicals in each category, and the general location of the chemicals.
  7. The LEPC must publish information annually to let the public know where and during what hours information on the following is available: emergency response plans, chemical lists, inventory forms, toxic release forms, and follow-up emergency notices.